



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,583	12/20/2001	Sven Anders Borje Svensson	4740-100	3277
24112	7590	12/06/2005		
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			EXAMINER SCHUBERT, KEVIN R	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/028,583

Applicant(s)

SVENSSON, SVEN ANDERS
BORJE

Examiner

Kevin Schubert

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments with respect to claim 1 have been fully considered but are not persuasive. Applicant argues that Ketcham's "remote terminal" is not a wireless device. Examiner respectfully disagrees. Ketcham has clearly and explicitly (Col 5, lines 6-14) disclosed that the "remote terminal" may be a laptop computer. Examiner entirely disagrees with applicant's argument that Ketcham's disclosure, in which he explicitly states that the "remote terminal" may be a laptop computer, is "completely devoid of any hint or suggestion- much less disclosure- that the remote terminal 102 is a wireless device" (See Remarks 11/14/05 page 2). It is respectfully submitted that a laptop computer is well-known in the art to be a wireless device. It also appears that applicant deemed a laptop computer to be a wireless device in the previous remarks: "Claim 1 recites a first wireless device (e.g. a laptop 18, see Fig 1)" (See Remarks 8/18/05 page 1). Applicant further argues that the remote terminal's need to use a cellphone as a wireless modem to communicate with the network server teaches away from the idea that Ketcham's remote terminal has "inherent wireless communications capabilities". Examiner disagrees with the previous statement but notes that applicant's argument based on "inherent wireless communications capabilities" is outside the scope of the claimed invention.

Applicant further argues that there is no mention of a first wireless network. Network 104, clearly and unequivocally, wirelessly communicates over a wireless communication channel (114 of Fig 1). Thus, examiner respectfully disagrees that there is no mention of a first wireless network.

Applicant further argues that there is no collective system authentication in the claimed invention. Applicant presents the following argument: "[Examiner's] reasoning may be applicable in anticipating a claim directed to a remote terminal and a wireless modem that are 'collectively authenticated as part of system authentication'. However, it is inapposite to claims 1 and 26 of the instant application. Neither claim 1 nor claim 26 recites any system, or collectively authenticating a system" (see Remarks page 4). It is respectfully submitted that applicant's remarks are not persuasive because there is nothing in applicant's system which precludes the authentication of both the first and second wireless devices. Applicant's claimed invention requires the authentication of a first wireless device (see claim 1, part f). Ketcham discloses a system in which both the first and second wireless devices are authenticated. Simply because the second authentication device is authenticated, as well, does not preclude Ketcham from meeting the limitations of applicant's claimed invention. Applicant further argues that "Ketcham simply does not disclose that the remote terminal 102 calculates an authentication response for the wireless modem 110, to authenticate the wireless modem 110 to a wireless network- which is the disclosure required to anticipate claims 1 and 26" (see Remarks page 4). To restate, examiner notes that Ketcham discloses a remote terminal which calculates an authentication response for the wireless modem to authenticate both the remote terminal and the wireless modem.

Applicant further argues that the first wireless device, which is the modem (cell phone) of Ketcham's system, is merely a communications channel and is not authenticated. Applicant asserts that an argument of system authentication is nonsensical because the modem is incapable of being authenticated and by examiner's position any peripheral is authenticated. Examiner maintains that both the remote terminal and the cell phone/ modem are authenticated collectively. It is nonsensical to assert that any one piece or part of a computing system is authenticated while the remainder is not. According to this logic, a processor or a bus would be authenticated while the remainder of the system is left unauthenticated. Examiner maintains that a collective system, as a whole, is authenticated. Examiner fails to see what applicant could possibly consider is authenticated if the collective system, as a whole, is not authenticated as alleged. Examiner further notes that if the cell phone/ modem in Ketcham is not authenticated, the entire system is futile. Authentication of the remote terminal depends on having confidence in the cell phone/ modem in Ketcham. If by applicant's assertion the cell phone/ modem is just an arbitrary and unauthenticated device providing communication capability, no such confidence could ever hoped to be maintained. Thus, Examiner maintains that it is the remote terminal and cell phone/ modem which are collectively authenticated.

Examiner believes Applicant's arguments with respect to claim 31 have been addressed above.